

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**OSAMA “SAM” ELFEKY,
Plaintiff,**

CIVIL ACTION

v.

NO. 15-3442

**JEH JOHNSON, Secretary, United States
Department of Homeland Security,
LORETTA E. LYNCH, Attorney General of
the United States,
LEON RODRIGUEZ, Director, United
States Citizenship and Immigration
Services,
EVANGELIA KLAPAKIS , Director,
Philadelphia Field Office, United States
Citizenship and Immigration Services,
LAURA B. ZUCHOWSKI, Director,
Vermont Service Center, United States
Citizenship and Immigration Services, and
UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES,
Defendants.**

ORDER

AND NOW, this 3rd day of February, 2017, upon consideration of Defendants’ Motion for Summary Judgment and Partial Dismissal (Doc. No. 26, filed Aug. 15, 2016), Plaintiff’s Cross Motion for Summary Judgment (Doc. No. 30-2, filed Oct. 17, 2016), Plaintiff’s Memorandum of Law in Response to Defendants’ Motion for Summary Judgment and Partial Dismissal and in Support of Plaintiff’s Cross Motion for Summary Judgment (Doc. No. 30, filed Oct. 17, 2016), and Defendants’ Response to Plaintiff’s Cross Motion for Summary Judgment (Doc. No. 33, filed November 28, 2016), for the reasons set forth in the accompanying Memorandum dated February 3, 2017, **IT IS ORDERED** as follows:

1. Plaintiff’s Cross Motion for Summary Judgment is **DENIED**;

2. Defendants' Motion for Summary Judgment and Partial Dismissal is **GRANTED IN PART** and **DENIED IN PART**, as follows:

a. That part of Defendants' Motion that seeks dismissal of plaintiff's challenges to the August 26, 2010 revocation of the United States Citizenship and Immigration Services's ("USCIS") approval of the I-360 application and the April 10, 2015 dismissal of plaintiff's I-290B motion for reconsideration of USCIS's decision to revoke the I-360 approval, for lack of subject matter jurisdiction, is **GRANTED**, and such claims are **DISMISSED WITH PREJUDICE**;

b. That part of Defendants' Motion that seeks dismissal of plaintiff's challenge to the February 16, 2016 denial of the I-602 application seeking waiver of inadmissibility, for lack of subject matter jurisdiction, is **DENIED**;

c. That part of Defendants' Motion that seeks the entry of judgment as to plaintiff's challenges to the February 17, 2016 denial of the I-485 application to adjust status and the February 16, 2016 denial of the I-602 application requesting waiver of inadmissibility is **GRANTED**, and **JUDGMENT IS ENTERED IN FAVOR** of defendants and **AGAINST** plaintiff on such claims;

3. The Clerk of Court shall mark this case **CLOSED**.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.